

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant amendments and remarks.

The position as set out by the Examiner in paragraphs 1 and 2 of the Office Action is agreed.

The Applicant was much obliged to the Examiner for waiving the previous rejections as set out in paragraphs 3, 4 and 5 of the Office Action.

With regard to paragraph 6 of the Office Action, it is noted that the Examiner is maintaining that the claims are anticipated by Holscher.

As suggested by the Examiner in paragraph 7 of the Office Action, claims 6 – 12 have been deleted.

The objections to claims 1, 2 and 6 – 12 as set out by the Examiner in paragraph 8 of the Office Action have been carefully considered. In view of these objections, a new claim 1 has been put forward. The new claim 1 is the same as claim 1 as last examined, but amended to include at the end of the claim, the additional feature that at least one of the lateral aperture positioned in the wall of the cylindrical member and the lateral aperture positioned in the wall of the sleeve is of a triangular shape. This triangular shape is not shown in either Holscher or in Hillsman. In particular, the main citation of Holscher discloses only rectangular apertures. Rectangular apertures do not give fine control. The Applicant requires

fine control and this is provided by the stated triangular shape. The triangular shape importantly gives good fine control at low flows as occur at the end of a person breathing into the mouthpiece. This would not be able to be achieved by the Holscher rectangular apertures. If Hillsman is combined with Holscher as suggested by the Examiner, then the new feature inserted into the Applicant's claim 1 is still not achieved.

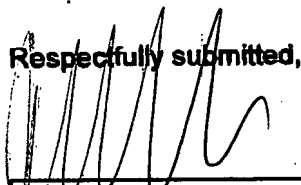
With regard to paragraph 9 of the Office Action, the Applicant relies for the patentability of claims 3 - 4 and the fact these claims include all of the features of the new claim 1, which claim 1 is believed to be allowable for the above mentioned reasons.

With regard to paragraph 10 of the Office Action, the Applicant relies for the patentability of claim 5 on the fact that claim 5 includes all of the features of the new claim 1, and the new claim 1 is believed to be allowable for the above mentioned reasons.

Each of the Examiner's rejections has been addressed or transversed. It is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,


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